# No. 94

# **MICHIGAN SENATE**

# DAILY CALENDAR

TUESDAY, OCTOBER 25, 2005 10:00 a.m.

#### **MOTIONS** MESSAGES FROM THE GOVERNOR <del>\_\_\_\_</del> 1 <del>\_\_\_\_\_</del> \_\_\_\_ 6 <u>\_\_\_\_</u> 246 Sen. Emerson SB SB 274 Sen. Clarke School aid; fiscal year appropriations; minimum funding Appropriations; history, arts, and libraries; department of level for K-12 education; provide for. history, arts, and libraries; provide for fiscal year 2005-Amends title & sec. 11 of 1979 PA 94 (MCL 388.1611) & adds secs. 12 & 147a. Creates appropriation act. Motion to discharge Committee on Appropriations Approved by Governor, with line items vetoed, Thurspending. day, September 29. \_\_ 2 \_\_\_\_ For veto message, see Senate Journal No. 87, page 318 Sen. Basham Vetoed line items pending. Labor; hours and wages; minimum wage; increase. Amends sec. 4 of 1964 PA 154 (MCL 408.384). Motion to discharge Committee on Commerce and SB 281 Sen. Barcia Labor pending. Appropriations; transportation; state transportation department; provide for fiscal year 2005-2006. Creates appropriation act. Approved by Governor, with line items vetoed, Fri-MESSAGES FROM THE GOVERNOR day, September 30. For veto message, see Senate Journal No. 87, page — 3 —— SB 272 Sen. Switalski Vetoed line items pending. Appropriations; general government; general government; provide for fiscal year 2005-2006. Creates appropriation act. Approved by Governor, with line items vetoed, MESSAGES FROM THE HOUSE Wednesday, September 28. For veto message, see Senate Journal No. 87, page \_\_\_\_\_ 8 \_\_\_\_\_ SB 74 Sen. Goschka Vetoed line items pending. hibit and provide penalties. SB 271 Sen. Scott Appropriations; human services; department of human adds sec. 4.

services; provide for fiscal year 2005-2006.

Creates appropriation act.

Approved by Governor, with line items vetoed, Wednesday, September 28.

For veto message, see Senate Journal No. 87, page 1760.

Vetoed line items pending. \_\_\_\_ 5 \_\_\_\_\_

#### SB 264 Sen. Barcia

Appropriations; agriculture; department of agriculture; provide for fiscal year 2005-2006.

Creates appropriation act.

Approved by Governor, with line items vetoed, Wednesday, September 28.

For veto message, see Senate Journal No. 87, page

Vetoed line items pending.

Crimes; kidnapping; reporting a false "Amber alert"; pro-

Amends title of 2002 PA 712 (MCL 28.751 - 28.753) &

I.E. House, October 6, 2005.

Returned from House with amendment, Tuesday, October 11; laid over under the rules.

For House amendment, see Senate Journal No. 89, page 1794.

Committee recommended I.E.

SB 175 Sen. Brown

Economic development; other; tax incentives for distribution and warehousing facilities that investigate a possible site in Michigan; provide for.

Amends sec. 2 of 1974 PA 198 (MCL 207.552).

I.E. House, October 18, 2005.

Returned from House with House substitute (H-1), Wednesday, October 19; laid over under the rules.

#### THIRD READING OF BILLS

\_\_\_\_ 10 \_\_\_\_\_

#### SB 102 Sen. Cropsey

Corrections; state facilities; Ionia maximum correctional facility; rename to Jack Welborn correctional facility.

Amends 1953 PA 232 (MCL 791.201 - 791.283) by adding sec. 20d.

Reported by Committee on Judiciary.

Committee recommended I.E.

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### SB 337 Sen. Allen

Single business tax; credit; tax credit for historical buildings; create and limit issuance of.

Amends 1975 PA 228 (MCL 208.1 - 208.145) by adding sec. 35c.

Reported by Committee on Commerce and Labor. Senate substitute (S-2).

Committee recommended I.E.

— 12 —

# HB 4108 Rep. Mayes

Torts; liability; immunity for farmers who use tank locks or dye additives to prevent anhydrous ammonia theft; provide for.

Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding secs, 2975 & 2976.

I.E. House, June 9, 2005.

House substitute (H-3).

Reported by Committee on Agriculture, Forestry and Tourism.

Senate substitute (S-1).

Committee recommended I.E.

\_\_\_\_\_ 13 \_\_

## HB 4315 Rep. Hoogendyk

Counties; boards and commissions; county road commission; provide option to expand membership or eliminate.

Amends sec. 6 of 1909 PA 283 (MCL 224.6).

I.E. House, June 29, 2005.

House substitute (H-2).

Reported by Committee on Transportation.

Senate substitute (S-1).

Committee recommended I.E.

# **HB** 4316 Rep. Gaffney

Counties; charter; county road commission; provide option to expand membership or eliminate.

Amends sec. 14 of 1966 PA 293 (MCL 45.514).

I.E. House, June 29, 2005.

House substitute (H-2).

Reported by Committee on Transportation.

Senate substitute (S-1).

Committee recommended I.E.

— 15 ——

#### **HB** 4317 Rep. Lipsey

Counties; other; county road commission; provide option to expand membership or eliminate.

Amends sec. 12 of 1973 PA 139 (MCL 45.562).

I.E. House, June 29, 2005.

Reported by Committee on Transportation.

Senate substitute (S-1).

Committee recommended I.E.

#### THIRD READING OF BILLS

— 16 ———

#### HB 4968 Rep. Schuitmaker

Probate; wills and estates; miscellaneous amendments to the estates and protected individuals code; enact.

Amends secs. 1104, 2301, 2908, 3715, 3804, 3919, 5202, 5217, 5423, 7401, 7502 & 7508 of 1998 PA 386 (MCL 700.1104 et seq.).

I.E. House, September 27, 2005.

House substitute (H-2).

Reported by Committee on Judiciary.

Committee recommended I.E.

### **GENERAL ORDERS**

# SB 233 Sen. Bishop

Administrative procedure; rules; rescission of proposed credit scoring rules; provide for.

Amends 1956 PA 218 (MCL 500.100 - 500.8302) by adding sec. 2111a.

Referred to Committee of the Whole pursuant to MCL 24.245a.

\_\_\_\_ 18 \_\_\_\_\_

# SB 196 Sen. Jelinek

Legislature; legislators; legislator to substitute teach in public schools without pay; allow.

Amends secs. 1230, 1230a & 1233 of 1976 PA 451 (MCL 380.1230 et seq.).

Reported by Committee on Education.

Senate substitute (S-1).

Committee recommended I.E.

\_\_\_\_ 19 \_\_\_\_\_

# SB 448 Sen. Cropsey

Courts; judges; salary for judges; revise, establish concurrent jurisdiction for probate judge and district judge, and provide other amendments.

Amends secs. 226, 303d, 410, 810, 859, 871, 1105, 1701, 8322, 8344, 8507 & 8611 of 1961 PA 236 (MCL 600.226 et seq.); adds secs. 411 & 8808 & repeals secs. 557, 557a, 557b, 8555 & 9947 of 1961 PA 236 (MCL 600.557 et seq.).

Reported by Committee on Judiciary.

For Senate amendment, see Senate Journal No. 48, page 708.

Committee recommended I.E.

# **HB** 4481 Rep. Gaffney

Elections; voting procedures; certain restrictions on requests for registration or absentee ballots; revise.

Amends sec. 759a of 1954 PA 116 (MCL 168.759a) & repeals sec. 504 of 1954 PA 116 (MCL 168.504).

I.E. House, April 19, 2005.

House substitute (H-1).

Reported by Committee on Government Operations.

Senate substitute (S-1).

#### **GENERAL ORDERS**

\_\_\_\_ 21 \_\_\_\_\_

#### **SB** 43 Sen. Thomas

Income tax; credit; certain physicians with medical care practices in medically underserved areas; provide credit.

Amends 1967 PA 281 (MCL 206.1 - 206.532) by adding

Reported by Committee on Finance.

Senate substitute (S-1).

Committee recommended I.E.

\_\_\_\_ 22 \_\_\_\_\_

### SB 472 Sen. Kuipers

Energy; other; Michigan superconducting super collider commission; eliminate.

Amends sec. 11 of 1987 PA 26 (MCL 3.821).

Reported by Committee on Local, Urban and State Affairs.

Committee recommended I.E.

\_\_\_\_\_ 23 \_\_\_\_

#### **475** Sen. Hardiman SB

Higher education; research; state research fund feasibility review panel; eliminate.

Amends sec. 2 of 1982 PA 175 (MCL 125.1952).

Reported by Committee on Local, Urban and State Affairs.

Committee recommended I.E.

\_\_\_\_ 24 \_\_\_\_\_

#### 476 Sen. Sanborn SB

State; funds; Michigan strategic fund, research center fund advisory committee; eliminate.

Amends sec. 77 of 1984 PA 270 (MCL 125.2077).

Reported by Committee on Local, Urban and State Affairs.

Committee recommended I.E.

\_\_\_\_ 25 \_\_\_\_\_

# 633 Sen. Cassis

Single business tax; rate; rate reduction; provide for. Amends sec. 31 of 1975 PA 228 (MCL 208.31) & repeals enacting section 1 of 2002 PA 531 & enacting section 3 of 1999 PA 115.

Reported by Committee on Finance.

Senate substitute (S-1).

Committee recommended I.E.

\_\_\_\_\_ 26 \_\_\_

# SB 634 Sen. Cassis

Single business tax; apportionment; sales factor; increase to 100%.

Amends sec. 45a of 1975 PA 228 (MCL 208.45a).

Reported by Committee on Finance.

Senate substitute (S-1).

Committee recommended I.E.

<del>\_\_\_\_</del> 27 <del>\_\_\_\_\_</del>

#### HB 4555 Rep. Pearce

Transportation; funds; certain portion of transportation funds earmarked for nonmotorized trails; provide for.

Amends sec. 10k of 1951 PA 51 (MCL 247.660k).

I.E. House, June 9, 2005.

House substitute (H-2).

Reported by Committee on Commerce and Labor.

Senate substitute (S-2).

Committee recommended I.E.

#### **GENERAL ORDERS**

\_\_\_\_ 28 \_\_\_\_\_

#### **SJR** E Sen. Stamas

Land use; condemnation; taking of private property by eminent domain for the primary benefit of private entities;

Amends sec. 54, art. X of the state constitution.

Reported by Committee on Transportation. Senate substitute (S-2).

\_\_\_\_\_ 29 \_\_\_\_\_

### SB 693 Sen. Brown

Land use; condemnation; use of eminent domain to transfer private property to private entities; prohibit.

Amends sec. 3 of 1911 PA 149 (MCL 213.23).

Reported by Committee on Transportation.

Senate substitute (S-3).

Committee recommended I.E.

<del>\_\_\_ 30 \_\_\_\_\_</del>

#### HB **4325** Rep. Mortimer

Occupations; physicians; performance of needle electromyography and the performance and interpretation of nerve conduction studies; clarify who is authorized to perform.

Amends secs. 17001 & 17501 of 1978 PA 368 (MCL 333.17001 & 333.17501) & adds secs. 17018 & 17518.

I.E. House, April 20, 2005.

House substitute (H-1).

Reported by Committee on Health Policy.

Senate substitute (S-1).

Committee recommended I.E.

### **HB** 4718 Rep. Gleason

Highways; name; portion of M-54 in Genesee county; rename the "Marine Corps League Memorial Highway", and a portion of M-54 in part of Genesee county rename "UAW Sitdown Strike Memorial Highway".

Amends 2001 PA 142 (MCL 250.1001 - 250.2080) by adding sec. 78.

I.E. House, September 15, 2005.

House substitute (H-1).

Reported by Committee on Transportation.

Senate substitute (S-2).

Committee recommended I.E.

\_\_\_\_ 32 \_\_\_\_\_

### SB 120 Sen. Johnson

Criminal procedure; evidence; prior acts of domestic violence; allow to be admissible as evidence.

Amends 1927 PA 175 (MCL 760.1 - 777.69) by adding sec. 27a to ch. VIII.

Reported by Committee on Judiciary.

Senate substitute (S-2).

Committee recommended I.E. — 33 ————

#### 263 Sen. Hammerstrom SB

Crime victims; statements; hearsay rule; exempt certain statements of domestic violence victims.

Amends 1927 PA 175 (MCL 760.1 - 777.69) by adding secs. 27a & 27b to ch. VIII.

Reported by Committee on Judiciary.

Senate substitute (S-4).

### **GENERAL ORDERS**

\_\_\_\_ 34 \_\_\_\_\_

#### **HB** 4972 Rep. Steil

Single business tax; credit; personal property tax credit; provide for research and development companies.

Amends 1975 PA 228 (MCL 208.1 - 208.145) by adding sec. 35d.

Committee on Finance discharged, Thursday, October 20.

\_\_\_\_ 35 \_\_\_\_\_

#### HB 4980 Rep. Jones

Sales tax; exemptions; prisoner purchases; eliminate exemption.

Amends sec. 4a of 1933 PA 167 (MCL 205.54a).

Committee on Finance discharged, Thursday, October 20.

\_\_\_\_ 36 \_\_\_\_\_

### **HB** 5097 Rep. Sheen

Property tax; exemptions; commercial rental property; exempt, revise definition of additions and losses, and eliminate certain exemptions.

Amends sec. 34d of 1893 PA 206 (MCL 211.34d) & adds sec. 7jj.

Committee on Finance discharged, Thursday, October 20.

#### HB 5096 Rep. Sheen

Taxation; other; specific tax on commercial rental property; create.

Creates new act.

Committee on Finance discharged, Thursday, October 20.

\_\_\_\_\_ 38 \_\_\_\_\_

### HB 5098 Rep. Condino

Single business tax; credit; corporate farm credit; eliminate, subject limited liability companies to small business credit income disqualifiers and other amendments.

Amends secs. 3, 9, 22a, 31, 36, 38e & 71 of 1975 PA 228 (MCL 208.3 et seq.) & adds secs. 32, 79 & 79a.

Committee on Finance discharged, Thursday, October 20.

\_\_\_\_ 39 \_\_\_\_\_

#### **HB** 5106 Rep. Condino

Sales tax; exemptions; certain exemptions; eliminate.

Amends secs. 4a, 4d & 4s of 1933 PA 167 (MCL 205.54a et seq.).

Committee on Finance discharged, Thursday, October 20.

**—** 40 **—** 

# HB 5107 Rep. Condino

Use tax; exemptions; certain exemptions; eliminate. Amends secs. 3a, 4 & 4u of 1937 PA 94 (MCL 205.93a t seq.).

Committee on Finance discharged, Thursday, October 20.

#### **GENERAL ORDERS**

# **HB** 5108 Rep. Sheen

Single business tax; rate; alternative tax rate and rate reduction; provide for and provide for a personal property tax credit, 100% sales apportionment factor, and eliminate health care addback.

Amends secs. 4a, 31, 36 & 45a of 1975 PA 228 (MCL 208.4a et seq.) & adds sec. 35d.

Committee on Finance discharged, Thursday, October 20.

# **HB** 5095 Rep. Condino

Taxation; other; amnesty program; create and increase penalties for nonremittance.

Amends secs. 3, 4, 19, 24 & 31 of 1941 PA 122 (MCL 205.3 et seq.) & adds sec. 30d.

Committee on Finance discharged, Thursday, October 20.

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# **HB** 5253 Rep. Acciavatti

Revenue sharing; cities and villages; distribution formula; revise.

Amends sec. 13 of 1971 PA 140 (MCL 141.913).

I.E. House, October 6, 2005.

House substitute (H-1).

Reported by Committee on Appropriations.

Committee recommended I.E.

\_\_\_\_ 44 \_\_\_\_\_

# SB 712 Sen. Brown

Crimes; gambling; allowance of gambling on certain card games at senior citizen housing facility; revise to include senior center that is not a housing facility.

Amends sec. 303a of 1931 PA 328 (MCL 750.303a).

Reported by Committee on Senior Citizens and Veterans Affairs.

Committee recommended I.E.

### SB 764 Sen. Allen

Veterans; other; "Purple Heart Monument" to honor citizens of Michigan receiving the award; create.

Creates new act.

Reported by Committee on Senior Citizens and Veterans Affairs.

Committee recommended I.E.

# SB 747 Sen. Gilbert

Environmental protection; landfills; research, development, and demonstration projects; allow disposal of liquid waste.

Amends sec. 11514 of 1994 PA 451 (MCL 324.11514).

Reported by Committee on Natural Resources and Environmental Affairs.

Senate substitute (S-2).

### **GENERAL ORDERS**

— 47 ———

### **HB** 5148 Rep. Pavlov

Environmental protection; landfills; research, development, and demonstration projects; authorize.

Amends 1994 PA 451 (MCL 324.101 - 324.90106) by adding sec. 11511b.

I.E. House, October 5, 2005.

House substitute (H-2).

Reported by Committee on Natural Resources and Environmental Affairs.

Senate substitute (S-1)\*.

Committee recommended I.E.

— 48 ———

# **HB** 5149 Rep. Acciavatti

Environmental protection; sewage; definition of "receiving facility"; revise and require legal description of landfill boundaries.

Amends secs. 11518 & 11701 of 1994 PA 451 (MCL 324.11518 & 324.11701).

I.E. House, October 5, 2005.

House substitute (H-4).

Reported by Committee on Natural Resources and Environmental Affairs.

Committee recommended I.E.

### RESOLUTIONS

— 49 ———

# SCR 28 Sen. Johnson

A concurrent resolution to increase the total project cost of the Department of Corrections Riverside Correctional Facility Power Plant Automation project.

Reported by Committee on Appropriations.

For text of resolution, see Senate Journal No. 78, page 1289.

Adoption pending.

### **COMMITTEE REPORTS**

— 50 ——

#### **HB** 4726 Rep. Mortimer

Education; school districts; distribution of information to parents on meningitis; require.

Amends 1976 PA 451 (MCL 380.1 - 380.1852) by adding sec. 1177a.

I.E. House, September 15, 2005.

House substitute (H-2).

Reported by Committee on Education.

Senate substitute (S-1).

Committee recommended I.E.

Refer to Committee of the Whole pursuant to Rule 3.701.

#### **COMMITTEE REPORTS**

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### **HB** 4729 Rep. Tobocman

Property; land sales; municipal employees to purchase land in cities inventory; allow.

Amends sec. 4 of 1968 PA 317 (MCL 15.324).

I.E. House, June 15, 2005.

House substitute (H-1).

Reported by Committee on Local, Urban and State Affairs.

Committee recommended I.E.

Refer to Committee of the Whole pursuant to Rule 3.701.

# SB 654 Sen. Toy

Criminal procedure; sentencing guidelines; sentencing guidelines for crime of unlawful purchase of public property by public servant; enact.

Amends sec. 11a, ch. XVII of 1927 PA 175 (MCL 777.11a).

Reported by Committee on Local, Urban and State Affairs.

Committee recommended I.E.

Refer to Committee of the Whole pursuant to Rule 3.701.

#### **SCHEDULED MEETINGS**

#### **Appropriations -**

**Subcommittees -**

**Agriculture, Joint Senate/House -** Tuesday, October 25, 9:00 a.m., Room 426, Capitol Building (373-5932)

**Higher Education -** Wednesday, November 2, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**Commerce and Labor -** Tuesday, October 25, 3:00 p.m., Room 100, Farnum Building (373-2413)

**Economic Development, Small Business and Regulatory Reform -** Wednesday, October 26, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Gaming and Casino Oversight -** Wednesday, October 26, 1:00 p.m., Room 210, Farnum Building (373-2413)

**Health Policy -** Wednesday, October 26, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

**Judiciary -** Tuesday, October 25, 1:00 p.m., Room 210, Farnum Building (373-3760)

**Michigan Capitol Committee -** Tuesday, November 8, 3:00 p.m., Room 426, Capitol Building (373-0289)

**Natural Resources and Environmental Affairs -** Tuesday, October 25, 3:00 p.m., Room 110, Farnum Building (373-3447)

# SCHEDULED MEETINGS

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**Senate Fiscal Agency Board of Governors -** Thursday, October 27, 9:00 a.m., Room S-101, Capitol Building (373-0797)

**Technology and Energy -** Wednesday, October 26, 3:00 p.m., Room 210, Farnum Building (373-7350)

**Transportation -** Tuesday, October 25, 1:00 p.m., Room 110, Farnum Building (373-7708)

BILLS IN CONFERENCE					
Bill No.	Brief Title	Conferees		Report Agreed To	
		Senate	House	Senate	House
HB 4834	Financial institutions; other; regulation and	Sanborn	Robertson		
	licensing of deferred presentment service	Gilbert	Palsrok		
	providers and transactions; provide for.	Jacobs	McConico		